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16 Attorneys for Plaintiffs
17 CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
18 RANGERS, INC.

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
21

22 CORY SPENCER, an individual;
DIANA MILENA REED, an
23 individual; and COASTAL
PROTECTION RANGERS, INC., a
24 California non-profit public benefit
corporation,

25 Plaintiffs,

26 v.

27 LUNADA BAY BOYS; THE
28 INDIVIDUAL MEMBERS OF THE

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFFS' STATEMENT IN
OPPOSITION TO MOTIONS TO
DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(B)(1) OF
DEFENDANTS BRANT BLAKEMAN,
ANGELO FERRARA, AND N.F.**

1 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
2 BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
3 MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
4 FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
5 VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
6 representative capacity; and DOES
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8 Defendants.
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Judge: Hon. S. James Otero
Date: August 1, 2016
Time: 10:00 a.m.
Place: Ctrm. 1
Second Floor
312 North Spring Street
Los Angeles CA 90012

STATEMENT OF OPPOSITION

On June 17, 2016, Defendant Brant Blakeman ("Blakeman") filed his motion to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of federal subject matter jurisdiction. (Dkt. No. 41). Blakeman's motion recites, essentially verbatim, identical arguments presented in the motion to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of federal subject matter jurisdiction filed by Defendant Alan Johnston on June 16, 2016. (Dkt. No. 41).

On June 24, 2016, Defendants Angelo Ferrara and N.F. (appearing through [Proposed] Guardian Ad Litem, Leonora Ferrara) filed another motion to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of federal subject matter jurisdiction. (Dkt. No. 72). Defendants Ferrara and N.F. bring their motion "on the same grounds as previously set forth in the Motions to Dismiss previously filed by . . . Michael Ray Papayans, Alan Johnston, aka Jalian Johnston; and, Brant Blakeman." (Dkt. No. 72 at 2:9-12).

Neither Blakeman nor Ferrara/N.F. raise any new issues or arguments in their respective motions to dismiss not previously raised in the motions to dismiss of Defendants Papayans and Johnston. Thus, Plaintiffs assert in response to the motions to dismiss of Defendants Blakeman, Ferrara, and N.F. that, for all of the reasons set forth in Plaintiff's Opposition to Motions to Dismiss for Lack of Subject Matter Jurisdiction of Defendants Alan Johnston and Michael R. Papayans filed on June 1, 2016 (Dkt. No. 80), this Court has jurisdiction over all of the individual Defendants (including Defendants Blakeman, Ferrara, and N.F.) and the Lunada Bay Boys based on admiralty jurisdiction and based on supplemental jurisdiction. For all of the same reasons set forth in Plaintiff's previously filed Opposition brief (Dkt. No. 80), the Complaint alleges a proper basis for federal jurisdiction as to all claims

1 against Defendants Blakeman, Ferrara, and N.F., and those Defendants'
2 motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1)
3 should therefore also be denied.

4 Plaintiffs further note that the motions to dismiss of Defendants
5 Blakeman, Ferrara, and N.F. were all noticed for hearing before this Court
6 on August 1, 2016, one week after the hearing date noticed by Defendants
7 Papayans and Johnston for their respective motions to dismiss. Should this
8 Court determine that oral argument on these motions to dismiss is required
9 for any reason, Plaintiffs would request that the hearing on the four
10 separately filed motions to dismiss, which are all based on identical issues
11 and arguments, be consolidated into a single hearing, to be held on August
12 1, 2016 or at such time thereafter as this Court shall hear the matter.

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14 DATED: July 8, 2016

HANSON BRIDGETT LLP

15
16 Bv: /s/ Landon D. Bailey

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18 SAMANTHA D. WOLFF
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